

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<b>JOSEPH T. RYERSON &amp; SON, INC.,</b>	)	
	)	
Plaintiff,	)	
	)	2:06cv883
vs.	)	Electronic Filing
	)	
<b>KASGRO RAIL CORPORATION,</b>	)	Judge Cercone
	)	Magistrate Judge Mitchell
Defendant.	)	

**MEMORANDUM ORDER**

AND NOW, this 5 day of September, 2008, after Plaintiff, Joseph T.

Ryerson & Son, Inc., filed an action in the above-captioned case, and after motions for partial summary judgment were submitted by Plaintiff and Defendant, Kasgro Rail Corporation, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, upon consideration of the objections filed by both Plaintiff and Defendant and the response to those objections filed by both Defendant and Plaintiff, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Document No. 72), which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion for Partial Summary Judgment submitted on behalf of Plaintiff Joseph T. Ryerson & Son, Inc. (Document No. 45) is DENIED.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment submitted on behalf of Defendant Kasgro Rail Corporation (Document No. 49) is DENIED.



David Stewart Cercone  
United States District Judge

cc: Honorable Robert C. Mitchell  
United States Magistrate Judge

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